

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

MDL No. 1720

Docket No. 05-md-01720 (MKB-JAM)

This Document Relates To:

BARRY'S CUT RATE STORES INC.; DDMB,
INC. d/b/a EMPORIUM ARCADE BAR;
DDMB 2, LLC d/b/a EMPORIUM LOGAN
SQUARE; BOSS DENTAL CARE;
RUNCENTRAL, LLC; CMP CONSULTING
SERV., INC.; TOWN KITCHEN, LLC d/b/a
TOWN KITCHEN & BAR; GENERIC DEPOT
3, INC. d/b/a PRESCRIPTION DEPOT; and
PUREONE, LLC d/b/a SALON PURE,

Plaintiffs,

v.

VISA, INC.; MASTERCARD
INCORPORATED; MASTERCARD
INTERNATIONAL INCORPORATED; BANK
OF AMERICA, N.A.; BA MERCHANT
SERVICES LLC (f/k/a DEFENDANT
NATIONAL PROCESSING, INC.); BANK OF
AMERICA CORPORATION; BARCLAYS
BANK PLC; BARCLAYS BANK
DELAWARE; BARCLAYS FINANCIAL
CORP.; CAPITAL ONE BANK, (USA), N.A.;
CAPITAL ONE F.S.B.; CAPITAL ONE
FINANCIAL CORPORATION; CHASE BANK
USA, N.A.; CHASE MANHATTAN BANK
USA, N.A.; CHASE PAYMENTECH
SOLUTIONS, LLC; JPMORGAN CHASE
BANK, N.A.; JPMORGAN CHASE & CO.;
CITIBANK (SOUTH DAKOTA), N.A.;
CITIBANK N.A.; CITIGROUP, INC.;
CITICORP; and WELLS FARGO &
COMPANY,

Defendants.

**NOTICE OF MOTION AND
EQUITABLE RELIEF CLASS
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

TO: THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on a date and time determined by the Court, or as soon thereafter as the matter may be heard in the courtroom of the Honorable Margo K. Brodie, United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, Equitable Relief Class Plaintiffs¹ will and hereby do move this Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for an Order granting their Motion for Preliminary Approval of Settlement, a proposed copy of which is filed herewith and attached as Appendix E to the fully executed Class Settlement Agreement of the Rule 23(b)(2) Class Plaintiffs and the Defendants.

This Motion is based on this Notice and the accompanying Memorandum of Law in support thereof, the attached complete and fully executed Class Settlement Agreement of the Rule 23(b)(2) Class Plaintiffs and the Defendants, along with the Appendices attached thereto, the Declaration of Class Counsel in Support of Rule 23(b)(2) Motion for Preliminary Approval of Settlement, the Declaration of Liz Lambert, the Declaration of Eric D. Green dated March 22, 2024, the Declaration of Joseph E. Stiglitz dated March 25, 2024, the Declaration of Keith B. Leffler dated March 24, 2024, the pleadings and other files herein, and such other written and oral argument as may be presented to the Court.

PLEASE TAKE FURTHER NOTICE that the Equitable Relief Class Plaintiffs request oral argument on this Motion.

Dated: March 26, 2024

Respectfully submitted,

By: /s/ Robert G. Eisler
Robert G. Eisler

¹ Equitable Relief Class Plaintiffs include Boss Dental Care; Runcentral, LLC, CMP Consulting Serv., Inc., Generic Depot 3, Inc. (doing business as Prescription Depot), and PureOne, LLC.; and the certified class of which they are the named representatives.

Chad B. Holtzman
GRANT & EISENHOFER P.A.
485 Lexington Ave., 29th Floor
New York, NY 10017
Phone: 646-722-8500
reisler@gelaw.com
choltzman@gelaw.com

Michael J. Freed
William H. London
Robert J. Wozniak
**FREED KANNER LONDON &
MILLEN LLC**
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
(224) 632-4500
mfreed@fkmlaw.com
wlondon@fkmlaw.com
rwozniak@fkmlaw.com

Linda P. Nussbaum
Susan R. Schwaiger
NUSSBAUM LAW GROUP, P.C.
1133 Avenue of the Americas, 31st Fl.
New York, NY 10036
(917) 438-9189
lnussbaum@nussbaumpc.com
sschwaiger@nussbaumpc.com

Steve D. Shadowen
Richard M. Brunell
Sherwin Faridifar
HILLIARD & SHADOWEN LLP
1717 W. 6th Street. Suite 370
Austin, TX 78703
(855) 344-3298
steve@hilliardshadowenlaw.com
rbrunell@hilliardshadowenlaw.com
sfaridifar@hilliardshadowenlaw.com

Equitable Relief Class Counsel